

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DATE FILED: 6/8/2022

RAUCH INDUSTRIES, INC.,

Plaintiff,

-against-

CHRISTOPHER RADKO, and HEART ARTIST
LLC,

Defendants.

1:22-cv-00909-MKV

ORDER

MARY KAY VYSKOCIL, United States District Judge:

The Court scheduled an initial pre-trial conference in this matter for June 14, 2022 at 10:00 AM. [ECF Nos. 80, 82]. The Court directed the parties to submit, one week before the conference, a Proposed Case Management Plan and Scheduling Order and joint letter, as required by this Court's Individual Rules of Practice. [ECF No. 80]. The Court admonished the parties that "[a]ny request for an extension or adjournment shall be made by letter filed on ECF and must be received at least 72 hours before the deadline or conference." [ECF No. 80].

On June 7, 2022, the day that the parties' Joint Letter and Proposed Case Management Plan were due, Defendant's newly substituted counsel filed a letter requesting an adjournment of the initial pre-trial conference and an extension of the deadline to file initial pre-trial conference materials. [ECF No. 84].

This initial pre-trial conference has already been adjourned once upon the request of the parties [ECF No. 82] and the Court will not allow these proceedings to be further delayed.

Accordingly, Defendants' request for an adjournment of the initial pre-trial conference [ECF No. 84] is DENIED. Defendants' request for an extension of the deadline to file initial conference materials is GRANTED IN PART. The deadline to file initial conference materials is extended to June 9, 2022. The parties are directed to submit a **JOINT** letter and Proposed Case

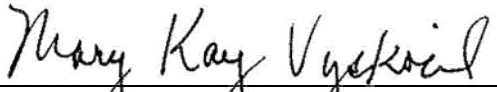
Management Plan and Scheduling Order, as required by this Court's Individual Rules of Practice and as specified in the Court's scheduling order at ECF No. 80. That joint letter should include:

1. A brief statement of the nature of the case, the principal claims and defenses, and the major legal and factual issues that are most important to resolving the case;
2. A brief statement by the plaintiff, or by the defendant in removed cases, as to the basis of subject matter jurisdiction and venue, and a brief statement by each other party as to the presence or absence of subject matter jurisdiction and venue. Statements shall include citations to relevant statutes. In cases invoking the Court's diversity jurisdiction, the parties should state both the place of incorporation and the principal place of business of any party that is a corporation, and the citizenship of all members, shareholders, partners, and/or trustees of any party that is a partnership, limited partnership, limited liability company, or trust;
3. A statement of procedural posture, including
 - a. A brief description of any (i) motions that have been made and decided, (ii) motions that any party seeks or intends to file, including the principal legal and other grounds in support of and opposition to the motion, (iii) pending motions and (iv) other applications that are expected to be made at the conference;
 - b. A brief description of any discovery that has already taken place, and a brief description of any discovery that the parties intend to take in the future; and
 - c. A statement describing the status of any settlement discussions and whether the parties would like a settlement conference; and
4. Any other information the parties believe may assist the Court in resolving the action.

FAILURE TO COMPLY WITH THIS ORDER WILL RESULT IN SANCTIONS.

SO ORDERED.

**Date: June 8, 2022
New York, NY**


MARY KAY VYSKOCIL
United States District Judge